



## EL DORADO COUNTY PLANNING SERVICES

John Knight..... District I  
John MacCready..... District II  
Dave Machado..... District III  
Chris Chaloupka ..... District IV  
Alan Tolhurst..... District V  
Jo Ann Brillisour..... Clerk of the Commission

2850 Fairlane Court • Placerville, CA 95667  
<http://www.co.el-dorado.ca.us/planning>  
Phone: (530) 621-5355  
Fax: (530) 642-0508

### MINUTES

#### **Regular Meeting of the Planning Commission July 13, 2006, 2006 – 8:30 A.M. BUILDING C HEARING ROOM 2850 Fairlane Court, Placerville, CA**

#### **1. CALL TO ORDER**

Chair Knight called the meeting to order at 8:40 a.m. The following persons were in attendance: Commissioners Mac Cready, Machado, Chaloupka, Tolhurst, and Knight; Paula F. Frantz, County Counsel; Roger Trout, Principal Planner, and Jo Ann Brillisour, Clerk to the Planning Commission.

#### **2. ADOPTION OF AGENDA**

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER MACHADO AND UNANIMOUSLY CARRIED, IT WAS MOVED TO ADOPT THE AGENDA, AS PRESENTED.

#### **3. PLEDGE OF ALLEGIANCE**

A Pledge of Allegiance was given by the Commission and those persons in the audience.

**4. CONSENT CALENDAR** (All items on the Consent Calendar were approved by one motion unless a Commission member requested separate action on a specific item.)

a. **Minutes:** June 22, 2006

b. **SPR06-0124** submitted by LARRY KINNINGS for a hardship finding to allow the construction of a second residential unit within Safety Zone 2 of the Placerville Airport. The property, identified by Assessor's Parcel Number 051-470-75, consists of 2.05 acres, is located on the east side of Paydirt Drive, 300 feet north of the intersection with Cedar Ravine Drive, in the Placerville area. (Categorically exempt pursuant to Section 15303 of the CEQA Guidelines)\*

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER CHALOUPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, MACHADO, CHALOUPKA, AND KNIGHT; ABSTAIN –

COMMISSIONER TOLHURST (as he was not present at the meeting of June 22, 2006), IT WAS MOVED TO APPROVE THE CONSENT CALENDAR.

**5. DEPARTMENTAL REPORTS AND COMMUNICATIONS**

These items were considered during the day as time permitted.

Greg Fuz said the Grand Jury Report focused on the Development Services Department. It was a positive report and made some suggestions on procedures. Interviews are being held for consultants on the Integrated Natural Resources Management Plan (INRMP) this week. The floor area ratio environmental impact report contract is going to the Board next week. The Interim Guidelines for Oak Woodlands will be coming to the Commission at the next meeting. Staff is not asking for any action. The Guidelines will just be introduced. There will also be a discussion on the update for the Zoning Ordinance at the next meeting. Some staff changes are currently being made, and the Commission will be informed of those changes at their next meeting. Peter Maurer will be Principal Planner in charge of current planning. There will be one request before the Commission at the next meeting for a Determination of Conformance to Interim Interpretive Guidelines (30 percent slopes). Staff will be looking at the guidelines to simplify them for the public.

**6. COMMISSIONERS' REPORTS**

Commissioner Mac Cready would like to continue the following policies on the agenda this afternoon: 8.1.2.1, 8.1.2.2, 8.1.4.1, and 8.4.1.1, as the Agricultural Commission has not made a recommendation on these policies. Pierre Rivas said the Agricultural Commission did continue the grazing lands. They did approve staff's recommendation on timber lands. They also made a recommendation on the Agricultural Commission Review and recommended that the RA lands be included. Roger Trout said this is an agenda item, so the Commission should defer this discussion to this afternoon.

**PUBLIC FORUM/PUBLIC COMMENT - None**

**7. SPECIAL USE PERMITS (Public Hearing)**

- a. **S06-0002** submitted by RICK WILLIAMS to retain and refurbish the existing Fresh Pond Cafeteria pole sign located on property, identified by Assessor's Parcel Number 009-720-08, located on the south side of U.S. Highway 50, approximately 50 feet south of the intersection with Forest Road, in the **Pollock Pines area.** (Categorically exempt pursuant to Section 15311, Class II, of the CEQA Guidelines)

Roger Trout presented this item with a recommendation for conditional approval

Referring to Condition 3, John Mac Cready asked if that means if you do not construct the sign in two years, the sign will be gone and the use permit voided. Mr. Trout said it is in the Ordinance that if the conditions are not satisfied within two years the permit is voided.

Commissioner Tolhurst wonders if the colors are the ones that are there or will they be changed. Commissioner Machado drove by the site. One reason for keeping the sign was for historical purposes. The address is not historical. Why can't the address go on the gasoline sign? Mr. Trout said the fire district requires the address to be posted and be visible. If the address is posted anywhere and is visible, the condition is satisfied. If the Commission does not want the address on the sign, that should be included in the conditions.

Commissioner Machado asked if the wording on the sign is to remain as it has been historically shown. He would like to know the language of the sign for the future. Mr. Trout said that is what was implied. "The text of the sign must remain as it currently is shown" could be added to Condition 1.

Rick Williams said they have already talked to the fire district and are placing the address on the canopy. There are some plastic letters on the sign that he would like to be able to change. The Fresh Pond lettering will always remain. The sign says breakfast and dinner which they do not serve. The sign has already been painted. He would like to be able to put something like Fresh Pond Trading Post on the sign sometime in the future.

Commissioner Tolhurst would prefer gray on the poles. Mr. Williams said they will be gray. The rock is already there. They are just going to clean it up.

There was no further input.

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER CHALOUPKA AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FIND THE PROJECT CATEGORICALLY EXEMPT PURSUANT TO SECTION 15311, CLASS II, OF THE CEQA GUIDELINES AND APPROVE S06-0002 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF, WITH THE UNDERSTANDING THAT ANY TEXT CHANGES BE SUBJECT TO REVIEW BY PLANNING STAFF.

### **Findings**

1. The project has been found to be Categorically Exempt from CEQA pursuant to Section 15311 Class 11 Accessory structures.
2. The project is found to comply with the requirements of Section 17.22.500, Special Use Permit of the Zoning Ordinance. It is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the conclusions contained in the staff report. No agency or community group objections or concerns were expressed during the project review process.
3. The project has become an important, historical landmark for both U.S. Highway travelers and local residents in the County since the 1950s.
4. The proposed project is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report. The General Plan

designates the northern portion of the parcel as Commercial-Platted Land (C-PL) which permits a full range of commercial retail, office and service uses to serve the residents, businesses, and visitors of El Dorado County. Although the project sign exceeds the size requirement of Section 17.32.020 (D), it is considered a non-conforming structure due to its existence prior to the permit process of the County. The subject site is zoned Commercial (C) which permits the proposed use with an approved Special Use Permit under Section 17.32.030 (E).

**Conditions**

1. The project, as approved, shall conform to Exhibits D, E, and F. The existing Fresh Pond pole sign, is double-sided, and stands over 26 feet high and 118 square feet in size (Exhibit E, Fresh Pond Sign). The upper 56 square foot fiber glass sign, together with the lower 62 square foot aluminum sign, are welded together, supported by two vertical steel posts, which are mounted by an existing rock base. Attached to the back of the two signs is a large metal arrow, extending from the signs with the arrow pointing towards the restaurant. The lettering, which advertises the Fresh Pond Cafeteria, ranges from 18 to 24 inches in height (Exhibit F, Sign Elevation). Any text changes shall be subject to review by Planning Services.

El Dorado County Fire Protection District

2. A post numeric address, 18 inches minimum, shall be visible from both directions of U.S. Highway 50.

El Dorado County Planning Services

3. This special use permit is valid for two years from the date of issuance by the Planning Commission and will expire if not diligently pursued.

Chair Knight said the action today could be appealed to the Board of Supervisors within ten working days.

**8. REZONES (Public Hearing)**

- a. **Z05-0011** submitted by MICHAEL and MELODIE IVERSON to rezone the northern 23.90 acre portion of the subject property from Estate Residential Five-acre (RE-5) to Planned Agricultural (PA) and the southern 1.79 acre portion of the same parcel from Estate Residential Five-acre (RE-5) to Commercial (C) Zone. The middle 5.79 acres of the parcel will remain unchanged. The property, identified by Assessor's Parcel Number 094-070-13, is located on the north side of Perry Creek Road, approximately 400 feet east of the intersection with Fairplay Road, in the **Fairplay area.** (Negative declaration prepared)

Roger Trout presented this item with a recommendation for approval. The only concern received from neighbors was the agricultural setback. There is an addendum memo to the Commission for clarification of the setbacks.

Commissioner Machado asked the location of parking for the public. Mr. Trout said that will be reviewed when they come in for their building permit to convert the barn.

Commissioner Tolhurst asked about the leach field being on the other parcel. Mr. Trout said this is one property, and there are no plans to divide it. If a parcel map is submitted, this issue would be reviewed at that time.

Commissioner Machado commented this rezone triggers a 200-foot setback on adjacent parcels which would put the 200-foot setback on one of their own parcels. We need to look at the setback issue. Mr. Trout believes that the setback is from the zone district.

Commissioner Tolhurst asked why they are going through this procedure. Mr. Trout said the applicants would have liked to rezone the entire property Agriculture, but there are three different General Plan designations on the property.

Mike Iverson said the staff report covers everything they are looking for and the reasons they are requesting the rezone.

Thelma Rodgers does not want a 200-foot restriction placed on her property. Commissioner Machado asked the location of her parcel. Staff explained. Mrs. Rodgers does not believe they should have to go to the Agricultural Commission for relief. Commissioner Chaloupka said they only have a five-acre parcel, and the setbacks only apply to ten-acre parcels. Mr. Trout said this property is within an Agricultural District, so the setbacks would apply.

Wilbur Rodgers asked about the 25 acres that the Iversons will not be using.

Commissioner Mac Cready said the setback is from the agricultural land, and the winery is not on the agricultural land. There are problems with the setback issue, and he hopes this gets corrected soon.

Commissioner Tolhurst does not have a problem with the first two items but does with the fact they could put a Mac Donald's on the third portion. It can be split off and developed as commercial property. Mr. Trout said if this is a concern, the Commission could forward a modified recommendation to the board. There is no public water or sewer in this area, so there would be limited commercial uses allowed. Paula Frantz, County Counsel, said staff is revising the zoning categories and coming up with different zones. This could be included in the discussion at that time. Mr. Trout suggested a design control or planned development overlay. Ms. Frantz said you still do not have control over the type of use. Mr. Trout said staff does not see the chance for an intense commercial use. He would suggest a design control overlay to the Board. Ms. Frantz said that would only pertain to the design and not the type of use.

There was no further input.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, CHALOUPKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z05-0011 REZONING THE NORTHERN 23.90 ACRE PORTION OF ASSESSOR’S PARCEL NUMBER 094-070-13 FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO PLANNED AGRICULTURE (PA) AND THE SOUTHERN 1.79 ACRE PORTION OF THE SAME PARCEL FROM ESTATE RESIDENTIAL FIVE-ACRE (RE-5) TO COMMERCIAL-DESIGN CONTROL (C-DC) BASED ON THE FINDINGS PROPOSED BY STAFF.

**Findings**

1. The rezone will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.
  
2. The proposed use is consistent with the policies in the El Dorado County General Plan, in that:
  - the project parcel meets both the required 20 acre minimum of the Agricultural Land-A designation and the required maximum 2 dwelling units for residential density found under Policy 2.2.1.2,
  
  - the Planned Agriculture rezone request is consistent with Policy 8.1.1.2, Policy 8.1.1.5, Policy 8.1.3.2 and the commercial rezone is consistent with Policy 2.2.1.2.
  
  - the Planned Agriculture rezone and the Commercial rezone are compatible with the land use designation under Table 2-4,
  
  - the agricultural use is consistent with the land use pattern established for the Rural Region under Objective 2.1.3,
  
  - the vineyard and proposed accessory uses are or will be developed in a manner that manages and protects the existing natural resources in compliance with Policy 2.2.1.2, and
  
  - the impacts on adjacent parcels from the resultant or potential uses will be reduced to less than significant through compliance with agricultural setbacks

established in the County Code in order to avoid any incompatibility with the surrounding area in compliance with Policy 2.2.5.21.

- b. **Z05-0013** submitted by JAMES R. KIDDER to rezone property from Planned Commercial (CP) to General Commercial (CG). The property, identified by Assessor's Parcel Number 319-370-24, consists of 0.87 acre, is located on the north side of Mother Lode Drive, approximately three-eighths of a mile east of the intersection with Greenstone Road, in the **Diamond Springs/El Dorado area**. (Negative declaration prepared)\*

Roger Trout presented this item with a recommendation for approval.

Commissioner Machado asked if staff is aware of the new use. Mr. Trout replied that the applicant would have to speak to that issue.

Referring to Page 3 of the staff report, Commissioner Mac Cready asked what more intense uses could occur. Mr. Trout said automobile sales, outdoor storage, etc. There could be aesthetic and noise issues. James Kidder is the former owner. The new property owners are using the property for a less intense use than what as there before (automobile warehouse storage).

There was no one in the audience wishing to give input.

ON MOTION OF COMMISSIONER MACHADO, SECONDED BY COMMISSIONER MAC CREADY AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED, AND APPROVE Z05-0013 REZONING ASSESSOR'S PARCEL NUMBER 319-370-24 FROM PLANNED COMMERCIAL (CP) TO GENERAL COMMERCIAL (CG) BASED ON THE FINDINGS PROPOSED BY STAFF.

### **Findings**

1. The zone change will not have a significant effect on the environment, based on the analysis contained in the Initial Study and a Negative Declaration has been filed. Further, the zone change will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the zone change has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.
2. In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the zone change is found to be consistent with the 2004 General Plan.

9. **REZONE/SITE PLAN REVIEW** (Public Hearing)

- a. **Z06-0004/SPR06-0035** submitted by STAN and KAREN VAN SPANJE to rezone property from Estate Residential Ten-acre (RE-10) to Select Agricultural (SA-10), and site plan review to allow the conversion of an existing agricultural building to a winery facility. The property, identified by Assessor's Parcel Number 094-130-05, consists of 10.14 acres, is located on the north side of Fairplay Road, approximately 1.9 miles east of the intersection with Mt. Aukum Road, in the **Fairplay area**. (Negative declaration prepared)\*

Lillian Mac Leod presented this item with a recommendation for approval.

Commissioner Mac Cready asked for clarification on the 30-1/2 foot width right-of-way. Mrs. Mac Leod explained. Chuck Collins, Department of Transportation, further explained.

Referring to Exhibit D, Commissioner Machado asked about the dashed lines. The line goes through the existing house. Mrs. Mac Leod said the house was built in 1942 when there probably were no setbacks. It is a legal non-conforming use. Chair Knight said if the house were rebuilt they would have to conform to the required setbacks. Paula Frantz, County Counsel, said if they expand the house they could only do so outside the easement lines.

Commissioner Machado asked who makes the determination on the surfacing for the road. Mr. Collins said the encroachment is the only portion that would have to be paved.

Karen van Spanje was present but had nothing to add to the presentation.

There was no further input.

Commissioner Machado said change in zoning places the 200-foot setback on adjacent parcels. Mrs. Mac Leod concurred.

ON MOTION OF COMMISSIONER MAC CREADY, SECONDED BY COMMISSIONER TOLHURST AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MAC CREADY, CHALOUKKA, TOLHURST, AND KNIGHT; NOES – COMMISSIONER MACHADO, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z06-0004 REZONING ASSESSOR'S PARCEL NUMBER 094-130-05 FROM ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO SELECT AGRICULTURAL (SA-10), BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE SPR06-0035 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

**Findings**

1. The proposed project will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Negative Declaration has been filed.



Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game, and the proposed use is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable).

2. The proposed use is consistent with the policies in the El Dorado County General Plan in that the project parcel has the size and soil characteristics, as determined by the Agricultural Commission, to sustain agricultural production, is currently producing a commercial vineyard crop of more than five acres, and the winery facility will be compatible with the surrounding wine producing area.
3. The use is found to comply with the requirements of Chapters 17.14.190, Winery Ordinance and 17.36, Select Agricultural Districts, in that the subject applications are the correct ones for the request to convert an existing barn into a winery facility, and the project, as proposed and conditioned, is compatible with the adjacent agriculturally zoned land, and meets setback standards under the Zoning Ordinance.

### **Conditions**

This site plan review approval is based upon and limited to compliance with the project description, dated July 13, 2006, and Conditions of Approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of site plan review approval.

### **The project, as approved, consists of the following:**

1. A rezone of the project parcel, Assessor's Parcel Number 094-130-05, from Estate Residential Ten-acre (RE-10) to Select Agricultural (SA-10).

A site plan review of the conversion of an existing 1,050 square foot agricultural barn into a winery facility. The applicants are currently under a 10-year contract to supply grapes to a neighboring winery. The applicants' plans call for a maximum production of 500 cases of wine per year from surplus grapes grown on site that are over and above their contractual obligation. They may also utilize grapes from a 450-vine vineyard on a separate parcel under their ownership in the Fairplay area. The winery will be a family-run operation, and no employees shall be hired. No on-site sales or tasting room shall be allowed without further site plan review. Sales will be conducted by phone or internet and delivered off-site.

2. All site improvements shall conform to the site plan attached as Exhibit D.

3. Prior to issuance of a grading permit or final occupancy of the winery, whichever comes first, the applicants shall irrevocably offer to dedicate, in fee title, a 30 foot half-width right-of-way of the project parcel's frontage along Fairplay Road.
4. Prior to issuance of a grading permit or final occupancy of the winery, whichever comes first, the applicants shall be subject to an encroachment permit, Standard Plan 103C, requiring a minimum driveway width of 24 feet onto Fairplay Road.
5. Prior to operation, a building permit shall be required to convert the existing agricultural barn into a winery facility.
6. Prior to operation of the winery facility, the applicants shall file a report of waste discharge (RWD) with the Central Valley Regional Water Quality Control Board. If the applicants receive a formal waiver notification, winery wastewater shall be applied to cropland at agronomic rates or stored in tanks and removed from the project site for disposal at a regulated facility.
7. If the future winery facility will involve the storage of reportable quantities of hazardous materials, then prior to building permit issuance the applicant shall submit a hazardous materials business plan to the Solid Waste and Hazardous Materials Division of Environmental Management, to include payment of applicable fees.
8. The applicants will be subject to further site plan review for those accessory uses listed under §17.14.190(C) (2) (a) of the Zoning Ordinance.

**10. REZONE/PLANNED DEVELOPMENT (Public Hearing)**

- a. **Z01-0006/PD02-0001/El Dorado Card Lock Fueling Facility** submitted by LUKE and DEBRA MILLER (Agent: Keith De Lapp/KDL Engineering) to rezone property from One-acre Residential (R1A) to Commercial-Planned Development (C-PD) and development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel. The property, identified by Assessor's Parcel Number 327-090-03, consists of 1.22 acres, is located on the north side of U.S. Highway 50 and the south side of Echo Lane, immediately west of the intersection with El Dorado Road, in the **El Dorado area**. (Mitigated negative declaration prepared)

Jason Hade presented this item with a recommendation for approval.

Commissioner Machado asked the hours of operation. Under lighting and glare, the lights are rather bright. According to Exhibit K, there are lower light fixtures available. He asked about the commercial designations on the surrounding properties. How long have they been there? The neighbors are concerned about more commercial in the area, but those properties have been zoned Commercial for a long time. If the application is approved, he would like to look at the mitigation measures, lighting, etc.

Commissioner Tolhurst said if you look at the zoning, it is R1. Those kinds of inconsistencies should be looked at with the zoning update.

Luke Miller said this project was started in 2001. He thought the property was zoned Commercial with the General Plan. Mr. Hade said the General Plan designation is Commercial.

Debra Miller said the hours of operation will probably be 24 hours a day, but they do not know about the lighting. That will be decided when they go for their building permit.

Commissioner Tolhurst explained the lighting included in the staff report. It is not a globe light that is putting light out in all directions. Mrs. Miller said currently lighting is on 24 hours a day at the storage facility. Their lighting will not be that bright. Commissioner Machado said the subject property is also lower than that facility. Mr. Miller concurred.

Dave Pratt, resident around the corner from the proposed facility, said the parcel is currently for sale. He has not seen a site plan. It is an odd shaped parcel. Commercial is probably appropriate for this parcel. He would like to see a sign stating "Not a Through Road" on Echo Lane just past this site. He would define the lights in the storage facility as yard lights. Discussion about the lights is necessary. There are more intense commercial operations that could be placed here. Mr. Pratt said the more it is landscaped the more visually appealing it would be. He also questions the need for cut and fill for this type of facility. The people that will use this facility will know where it is located.

Charleen Thompson, resident on Long View Drive, said they look over the furniture store and storage facility. There is no problem with lighting at the present time. Their main concern is the curve on El Dorado Road where people will be going into the gas station. It is a poor location for a gas station, particularly the large vehicles going into the site. This will decrease the value of their property. There are safety issues being so close to a gas station.

Geraldine Messner, Mrs. Thompson's mother, said a gas station will want a large sign to indicate where they are located. There have been numerous times there have been traffic problems because of the blind curve. There are already professional businesses in the area. Why could there not be more low profile businesses put in this location. This is a low lying area. Echo Lane is not a wide street. This facility would be detrimental to this intersection.

Nancy Christeson said there are other such facilities within the area. She asked how they came up with the number of vehicles that will be using the facility. They are concerned about the lighting and bringing people in that would think it is a traditional gas station. Building the site up would be quite extensive. Mrs. Christeson presented a list of people that would like to be notified of any future hearings on this facility. Mrs. Christeson spoke about the safety issues with the gasoline and people loitering at the facility. There are several residential neighborhoods close to this site. She agreed with placing a dead-end road sign on Echo Lane. It is unclear the number of trees that will be taken out.

Commissioner Machado spoke about the future interchange and shopping center for the area. There are significant changes proposed for El Dorado Road.

Mr. Miller said excavation to the site will be held to a minimum. The existing trees are cottonwood. Mrs. Miller said those trees are not on their property. Mr. Miller said the number of trees being removed is zero.

Mr. Hade said the sign is shown on Exhibit H.

Chair Knight said the lighting will be on the canopy or utility building. There will be no pole sign.

There was no further input.

Commissioner Machado asked that the Department of Transportation explain what will be done to El Dorado Road and Echo Lane. Chuck Collins explained. Chair Knight asked if it would be a problem posting a dead-end street sign. Mr. Collins said that would not be a problem. The road improvements will greatly improve this area.

Mr. Hade said if the use changes on the property they would have to come back to revise the development plan. Ms. Frantz said if the property is rezoned to commercial it would not revert back to residential if the gas station is not constructed. The development plan would have to be revised for the new use.

Commissioner Machado asked about the Missouri Flat Master Circulation and Funding Plan (MC&FP). Mr. Collins said due to the size of the property it was not included in the MC&FP.

After the motion and before voting, Commissioner Machado said the property is zoned commercial. There is a card lock facility at the base of his driveway. It is not used that often. He would prefer that use than others that could be placed there. He would be more concerned with the redevelopment of the RV site than this site.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE MITIGATED NEGATIVE DECLARATION, AS PREPARED; ADOPT THE MITIGATION MONITORING PROGRAM IN ACCORDANCE WITH CEQA GUIDELINES, SECTION 15074(d) INCORPORATED AS CONDITIONS OF APPROVAL; APPROVE Z01-0006 REZONING ASSESSOR'S PARCEL NUMBER 327-090-03 FROM ONE-ACRE RESIDENTIAL (R1A) TO COMMERCIAL-PLANNED DEVELOPMENT (C-PD) BASED ON THE FINDINGS PROPOSED BY STAFF; AND APPROVE PD02-0001 BASED ON THE FINDINGS PROPOSED BY STAFF, SUBJECT TO THE CONDITIONS AS MODIFIED.

### **Findings**

#### **1.0 CEQA FINDING**

- 1.1 The Planning Commission has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The Mitigated Negative Declaration reflects the independent judgment of the Planning Commission and has been completed in compliance with CEQA and is adequate for this proposal. A de minimis finding on the project's effect on fish and wildlife resources cannot be found and the project is therefore subject to the payment of State Fish and Game fees pursuant to State Legislation (California Fish and Game Code Section 711.4).
- 1.2 The Planning Commission finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.
- 1.4 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved project description and conditions of approval, with their corresponding permit monitoring requirements, are hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.

## **2.0 ADMINISTRATIVE FINDINGS**

- 2.1 The project consists of a rezone of Assessor's Parcel Number 327-090-03 from One-acre Residential (R1A) to Commercial – Planned Development (C-PD) and a development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel. The four fueling stations are to be located under a 38-foot by 52-foot canopy. Two 15,000-gallon underground gasoline storage tanks and one 10,000-gallon diesel storage tank located in the southwest corner of the property will serve the fuel dispensing stations. In addition, there will be an approximately 160-square-foot utility building, which will house restroom facility and control equipment. The site will also contain on-site parking and landscaping. Project signage includes a 10-foot tall monument sign with 36 square feet of display area as well as canopy elevation signage.

The project shall only be approved or conditionally approved if all of the following findings are made:

- 2.2 **The proposed use is consistent with the policies in the El Dorado County General Plan, as discussed in the General Plan section of this staff report.**

As proposed and conditioned, the project is consistent with the applicable El Dorado County General Plan policies, specifically pertaining to commercial land uses, compatibility with surrounding land uses, traffic impacts and water and sewer service.

- 2.3 The use is found to comply with the requirements of Chapter 17.02, and the proposed project is not considered detrimental to the public health, safety, and welfare, or injurious to the neighborhood, based on the conclusions contained in the staff report and the analysis of potential impacts in the Initial Study.**

The use is consistent with the requirements contained within Chapter 17.02 and will not be detrimental to the public health, safety, and welfare, or injurious to the surrounding commercial uses. Project conditions have been developed to offset potential project traffic impacts.

- 2.4 The Planned Development request is consistent with the General Plan.**

As detailed above, the project is consistent with the applicable El Dorado County General Plan policies, specifically pertaining to commercial land uses, compatibility with surrounding land uses, traffic impacts and water and sewer service.

- 2.5 The proposed development is designed to provide a desirable environment within its own boundaries.**

Mitigation measures have been developed to address aesthetic project issues such as retaining wall screening and landscaping.

- 2.5 Any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography.**

No exceptions to the standard requirements are required for the proposed planned development.

- 2.6 The site is physically suited for the proposed uses.**

Although an extensive amount of grading is required to create the building pad for the card-lock fueling facility, the site is physically suited to commercial development with the incorporation of the mitigation measures discussed in the prepared Initial Study.

- 2.7 That adequate services are available for the proposed uses, including but not limited to, water supply, sewage disposal, roads and utilities.**

Adequate public services such as water and sewer are available for the proposed use. Project conditions have been developed to offset potential project traffic impacts.

- 2.8 The proposed uses do not significantly detract from the natural land and scenic values of the site.**

The proposed use will not detract from the natural land and scenic values of the site and surrounding areas. Existing topography and vegetation, as well as proposed site landscaping, will serve to screen much of the retaining wall and fueling facility.

**Mitigation Measures/Conditions**

**El Dorado County Planning Services**

1. The project description is as follows:

A rezone of Assessor's Parcel Number 327-090-03 from One-acre Residential (R1A) to Commercial – Planned Development (C-PD) and a development plan for a commercial card lock fueling facility with four fueling stations pumping both gasoline and diesel fuel. The four fueling stations are to be located under a 38-foot by 52-foot canopy. Two 15,000-gallon underground gasoline storage tanks and one 10,000-gallon diesel storage tank located in the southwest corner of the property will serve the fuel dispensing stations. In addition, there will be an approximately 160-square-foot utility building, which will house restroom facility and control equipment. The site will also contain on-site parking and landscaping. Project signage includes a 10-foot tall monument sign with 36 square feet of display area as well as canopy elevation signage. Minor deviations from this development plan may be approved by the Planning Services Director or designee while major changes to the development plan, such as additional project signage, require a development plan revision to be approved by the original approving authority.

**MITIGATION MEASURES FROM MITIGATED NEGATIVE DECLARATION**

2. The proposed retaining walls shall be of natural rock materials, or include aesthetic colors or designs. The applicant shall not utilize plain cement masonry blocks for the retaining wall. In addition, the proposed retaining walls along the U.S. Highway 50 frontage shall be designed and installed with steps or niches every 2.5 feet to 5 feet to allow for landscaping of the retaining wall in order to minimize the aesthetic impact. The materials and landscaping shall be approved by Planning Services prior to approval of any building permits for the retaining wall(s).
3. The applicant shall provide a minimum 5-foot-wide landscaping strip along the U.S. Highway 50 frontage in front of the retaining wall containing shrub or tree species that will grow vertically in order to provide visual screening of the site from Highway 50. The applicant shall provide a minimum of one 5-gallon or equivalent shrub and one 15-gallon or equivalent tree alternating every 5 feet along the U.S. Highway 50 frontage. The size and species of the shrubs and trees shall be approved by Planning Services prior to approval of any building permits for the site.
4. The proposed project shall comply with any applicable requirements of the **El Dorado County Air Quality Management District Rule 502: General Conformity Rule**, which requires compliance with the State and National Ambient Air Quality Standards.

5. The project shall adhere to the provisions of **District Rule 223**, and the applicant shall submit a **Fugitive Dust Prevention and Control Plan** to the AQMD prior to any grading activities on the site.
6. The project shall adhere to the provisions contained in El Dorado County Ordinance No. 4548. No grading or excavation activities may take place on site until an Asbestos Hazard Dust Mitigation Plan has been submitted to and approved by the El Dorado County Air Quality Management District.
7. Asphalt surfacing of site access and parking areas shall conform with **El Dorado Air Quality Management Rule 224: Cutback and Emulsified Paving Materials**, which prohibits the atmospheric discharge of volatile organic compounds caused by the use, manufacture, mixing, storage, and/or application of cutback or emulsified asphalt.
8. Pursuant to **El Dorado County Air Quality Management District Rule 501.3(A): Authority to Construct**, the applicant shall receive authorization for construction (Authority to Construct) from the Air Quality Management District prior to commencement of grading and construction activities on the site.
9. Pursuant to **El Dorado County Air Quality Management District Rule 501.3(B): Permit to Operate**, the project proponent shall obtain a written permit from the Air Quality Management Officer prior to the issuance of a building permit.
10. In no case shall daily emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> exceed 82 lbs/day during any construction and grading activities on the site.
11. The proposed project shall comply with all applicable National, State, and local rules and regulations pertaining to Toxic Air Contaminates (TACs) and gasoline stations, specifically Rule IX, Section A relating to benzene emissions.
12. The project applicant shall apply for an Authority to Construct and Permit to Operate from the El Dorado County Air Quality Management District for any major on-site point source emissions in accordance with existing El Dorado AQMD rules and regulations. A health risk assessment shall be prepared for point sources that have the potential to emit toxic air contaminants. Resultant health risks shall not exceed the State of California thresholds for cancer and non-cancer risks.
13. The proposed project shall comply with any applicable requirements of the **El Dorado County Air Quality Management District Rule 238: Gasoline Transfer and Dispensing**, which requires compliance with State vapor recovery requirements and use of Toxic-Best Available Control Technology (TBACT).
14. The site shall be equipped with an automatic monitoring system that has the capability of shutting the entire fueling system down in the event an alarm is activated. An outside audible leak alarm shall be installed on the building. An outside audible overfill alarm



- shall be installed on the building, separate from the leak alarm system. All the alarm systems and monitoring equipment shall be connected to a phone modem, which communicates in an immediate manner, with the owner/operator, or representative of the petroleum service company.
15. No runoff from the overhanging area or canopy shall drain onto the fuel area, and downspouts shall be used to route drainage water away from the fueling area.
  16. The fuel dispensing area shall be paved with Portland cement concrete, or an equivalent smooth impervious surface. The use of asphalt concrete in the fueling area is prohibited. At a minimum the concrete surface for the fueling area must extend 6.5 feet beyond the corner of each fuel dispenser, or the length at which the nozzle assembly may be operated plus one foot, whichever is less.
  17. The fuel dispensing area shall have a 2 percent to 4 percent slope to prevent ponding and must be separated from the rest of the facility that prevents the flow of surface storm water in the fueling area to the greatest extent practicable.

#### **Conditions of Approval**

18. All site improvements shall conform to Exhibits E, F, G and H, as attached.
19. All on-site lighting shall comply with the provisions of Section 17.14.170 of County Code.
20. The development plan does not become effective until the rezone is approved by the Board of Supervisors.
21. The proposed development shall connect to both public water and sewer capable of providing the required flows to serve the project needs as determined by the El Dorado Irrigation District and the Diamond Springs - El Dorado Fire Protection District.

#### **Department of Transportation**

22. The applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the Department for review and approval. The plan shall be in conformance with the County of El Dorado *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, and the State of California Handicapped Accessibility Standards. A commercial permit is required.
23. The applicant shall be subject to encroachment permits, std. Plan 103G (modified). The encroachments shall be substantially completed, as determined by the Department of Transportation, prior to occupancy of the site.
24. Applicant shall dedicate right of way for the U.S. Highway 50 El Dorado Road

- interchange by contacting the Department of Transportation Right of Way Agent for instructions, by preparing legal descriptions and plats, and by submitting an executed deed for approval. No site walls, fences, signs or other improvements shall be placed in the public right of way.
25. Applicant shall construct left turn lanes for northbound El Dorado Road into Echo Lane and southbound El Dorado Road into the existing commercial driveway on the east side of El Dorado Road, prior to occupancy of the project. The dimensions of the turn lanes will be determined by the Department of Transportation using Caltrans standards during the design process.
  26. The easterly driveway shall be designated as one-way out only, with signing and stripping shown on the site grading/improvement plans
  27. The proposed fueling area shall be canopy covered.
  28. Applicant shall show a standard truck turn radius template on the plans to insure that fuel delivery trucks can safely enter and exit the site.
  29. Applicant shall pay traffic impact fees in effect at the time a building permit issued for the project.
  30. Provide a drainage report at time of grading permit application addressing storm water runoff increases, impacts to downstream facilities and properties to the satisfaction of the Department of Transportation. Mitigation to any significant impacts shall be included in the report and in the project design in accordance with the County Storm Water Management Plan. The report shall include Best Management Practices for water quality (BMP's). The report shall discuss the necessity of storm water detention as mitigation to maintain storm drainage flows to pre-project levels. If needed, the project shall include these detention facilities in the construction design. Parking lot storm drainage shall include facilities to separate oils and grits from storm water in accordance with the recommendations of the Storm Water Quality Task Force's California Storm Water Best Management Practices Handbook and with the Best Management Practices Guide – Retail Gasoline Outlets prepared by the Retail Gasoline Outlet Work Group (California Stormwater Quality Task Force). Stormwater shall flow through landscape areas to the greatest extent possible.
  31. If blasting activities are to occur in conjunction with grading or improvements, applicant shall ensure that such blasting activities are conducted in compliance with state and local regulations.
  32. If burning activities are to occur during the construction of the project improvements, applicant shall obtain the necessary burning permits from the California Department of Forestry and air pollution permits from the County prior to said burning activities.
  33. The location of fire hydrants and systems for fire flows are to meet the requirements of the responsible fire protection district.

34. The emergency vehicle circulation requirements for roads and driveways, and the location of hydrants, shall be shown on the improvement plans, which shall be subject to the approval of the responsible fire protection district. The Department of Transportation will require plans to meet Fire Safe Standards, but only the responsible fire protection district may waive or relax those Fire Safe Standards.
35. Provide a soils report at time of grading permit application addressing, at a minimum, grading practices, compaction, slope stability of existing and proposed cuts and fills, erosion potential, ground water and pavement section based on TI and R values. The report shall include recommended design criteria for all retaining walls. The location of any import or export to be borrowed or deposited within El Dorado County shall require an additional grading permit.
36. Any import, or export to be deposited within El Dorado County, shall require an additional grading permit for that offsite grading.
37. Upon completion of the improvements required, and prior to acceptance of the improvements by the County, the developer will provide a CD to the Department of Transportation with the approved drainage and geotechnical reports in PDF format and the approved record drawings in TIF format.
38. A “Not a Through Road” sign shall be placed on Echo Lane beyond the project, subject to approval by the Department of Transportation, prior to final occupancy.

**Diamond Springs – El Dorado Fire Protection District**

38. Prior to building permit issuance, the applicant shall meet with the fire district to determine fire lane location and identification.
39. A Knox Box shall be installed pursuant to fire district requirements to be monitored with an electrical shunt prior to building occupancy.
40. Fire hydrants shall be installed, as determined by the fire district, prior to building occupancy.

**Environmental Management Department – Hazardous Materials Division**

41. Prior to building permit issuance, the applicant shall prepare and submit a hazardous materials business/hazardous waste generator management plan for the site, to include hazardous materials and hazardous waste handling and storage, to the Environmental Management Department – Hazardous Materials Division for review and approval. All applicable fees shall be paid at time of plan submittal as well.

11. **TENTATIVE SUBDIVISION MAP** (Public Hearing)

- a. **TM05-1398/Thousand Oaks, Unit 3** submitted by HELEN L. THOMAS (Agent: Gene E. Thorne & Associates) proposing to create 3 lots ranging in size from 1.83 to 3.35 acres in size. Design waivers have been requested to allow the following: a) Irregular shaped lots and frontage for Lots 2 and 3 to be less than 100 feet as shown on the tentative map; and b) Permit the existing roads to remain as they currently exist. The property, identified by Assessor's Parcel Number 070-300-15, consists of 8.4 acres, is located on the south side of St. Ives Court, approximately 500 feet south of the intersection with Meder Road, in the **Shingle Springs area**. (Mitigated negative declaration prepared)

Jason Hade presented this item with a recommendation for conditional approval.

Commissioner Mac Cready does not know why staff is recommending approval when the applicant will not combine the lots. Mr. Hade said the recommendation for approval is based on merging the lots. Paula Frantz, County Counsel, said the recommendation for approval is only if the lots are merged; otherwise, the recommendation would be for denial. Commissioner Mac Cready said it seems to him that if the applicant does not want to merge the property staff should have recommended denial and not approval based on a change. In this case the air quality is being affected by changing to three parcels. The next item is being changed to more parcels than this application. Why would there be more air quality problems with this project. Mr. Trout commented that the next item is already built.

Commissioner Mac Cready said it seems if there are no historical sites on this property, there would not have to be any mitigation measures. Mr. Hade said during construction there could be resources found. Mr. Trout said there have been resources found in the area, so this mitigation was added. On other projects it is included in the conditions. Staff is looking at this issue on a case-by-case basis.

Commissioner Mac Cready said it seems there are no standards for requiring sprinklers. Mr. Trout said the mitigation monitoring plan has to be signed by the applicant before he project comes before the Commission. Commissioner Machado explained the option for sprinklers (Page 3 of the staff report). Chuck Collins, Department of Transportation, informed the Commission of the fire flows. If those flows cannot be met, mitigation is required by the fire district.

Commissioner Machado asked if St. Ives court would connect to Mine Shaft if this is approved. Mr. Trout said there is no easement, so it does not connect.

Commissioner Machado would like to separate man-made ponds and riparian issues. Mr. Trout said there is no differentiation between the two in the General Plan. That is one reason for suggesting merging the two lots.

Gene Thorne explained the request and the proposed locations for houses. Only one lot would be served from St. Ives.

Doug (?), said Mine Shaft Lane is a private road. He thought if you create a new road it had to be 50 feet wide. He is opposed to the application. It is a private cul-de-sac. He does not know how the applicant can put more lots on the cul-de-sac. Doug presented several photographs showing the tree canopy in the area.

Spenser Weston, owner of Parcel 2, read several letters from residents on Mine Shaft which were opposed to the request due to the increase in traffic. Mr. Weston said their main concern is the increase in traffic.

Fred Palacios, owner of Parcel 1, also commented Mine Shaft Lane is a private road. He is concerned about using Mine Shaft as a thoroughfare. When they purchased their property they were told the eight acres would not be developed. His property backs up to the eight acres, and he will be impacted.

Doug West, owner of Parcel 10, said they were subject to the 100-foot setback from the pond. They build an over-engineered septic system. This winter they were concerned they would have a problem with the system. The pond is a positive aspect to the area.

Barbara Anderson, Lot 4, agreed with her neighbors. They have been living in the area for two years, and it is a very nice area. This request would lower their quality of life and value of their homes. Commissioner Machado said there is already one house that accesses off Mine Shaft. The increase in traffic would be from one house. He asked the size of Mrs. Anderson's parcel. The reply was one acre. Commissioner Machado asked the width of the parcel at the cul-de-sac. Mrs. Anderson did not know.

Mr. Thorne said they are proposing to add one residence on each cul-de-sac. The Department of Transportation did not consider that a traffic issue. They are respecting the 100-foot setback for the septic system. The variance is for the residence. There are standard conditions for road improvements.

Commissioner Chaloupka asked if the setback problem is just with Lot 1. Mr. Thorne replied in the affirmative. Commissioner Chaloupka asked if the building pad on Lot 1 is moved would it get into the tree canopy. Mr. Thorne said it probably would.

Commissioner Machado asked that Mr. Thorne give the Commission some brief history on the creation of Thousand Oaks subdivision. How did the eight acres get left in as one parcel? Mr. Thorne said the eight acre parcel was the developer's parcel. Commissioner Machado asked who built the ponds. Mr. Thorne replied Fred Wetsel.

Commissioner Machado asked the width of the two parcels adjacent to Lot 3 where they touch the court. Mr. Thorne believes it is 100 feet. Typically the front setbacks are 100 feet at the front setback line. That is why they are asking for a variance for the two lots.

Commissioner Tolhurst asked about the dashed line separating the two ponds. Mr. Thorne replied that it is a dirt road.

Commissioner Mac Cready asked if people were told this lot would not be subdivided. Mr. Thorne said he had no idea.

There was no further input.

Chair Knight asked the Department of Transportation to clarify Condition 6. Chuck Collins said the intent was to make the common driveway 24 feet so people could go in and out at the same time. The signing would be if necessary. Commissioner Machado asked if something could be done to assure that the road does not go all the way through. Mr. Collins said you could install a gate. Mr. Trout said there is no way to create an easement. If there was an easement it would have to be developed to County standards. That would have to be a map amendment. Commissioner Machado said he would want to make sure there is no through traffic.

Commissioner Machado said the pond seems to be an intermittent rather than a perennial. Mr. Trout said there is no real definition of a pond. The definition of intermittent states it dries up. This does not. Commissioner Tolhurst said when the EIR was done for the General Plan the 100 feet must have been based on something. His standard is TRPA which has very strict standards. Their standard is 15 feet. Ms. Frantz said that was a mitigation measure proposed by the environmental consultants. She explained why this was set up as an interim standard until the Zoning Ordinance is updated.

Ms. Frantz suggested if the Commission were going to approve this application, staff should be given direction and come back with satisfactory findings and conditions of approval. Mr. Trout said he would like direction on the 25 or 50 foot setback (Condition 23). The findings still need to be supplemented. Ms. Frantz said there will need to be modification to the negative declaration (Page 16). Mr. Trout said the environmental analysis was anticipating a possible inconsistency.

ON MOTION OF COMMISSIONER CHALOUPKA, SECONDED BY COMMISSIONER TOLHURST AND UNANIMOUSLY CARRIED, IT WAS MOVED TO CONTINUE TM05-1398 TO THE MEETING OF AUGUST 10, 2006.

**12. REZONE/PLANNED DEVELOPMENT/PARCEL MAP (Public Hearing)**

- a. **Z05-0005/PD05-0011/P05-0012** submitted by PALMER PROFESSIONAL CENTRE, LLC (Agent: Erik Pilegaard) to rezone property from Commercial-Design Control (C-DC) and Estate Residential Ten-acre (RE-10) to Commercial-Planned Development (C-PD); development plan creating five parcels conforming to the five existing building footprints, with a sixth parcel for shared access, parking, and common area; and tentative parcel map creating six parcels ranging in size from 0.15 to 3.71 acres. The property, identified by Assessor's Parcel Number 083-453-04, consists of 4.71 acres, is located on the northeast corner of the intersection of Palmer and Gabbert Drives, in the **Cameron Park area**. (Negative declaration prepared)

Lillian Mac Leod presented this item with a recommendation for approval.

Erik Pilegaard said the project is just about completed. He explained their proposal. No buildings will be put on the property.

There was no one in the audience wishing to give input.

Commissioner Machado said he has no problems with the signage for this proposal. There is only one trash enclosure for the entire project. He feels there should be an additional enclosure by Building A, B, or C. Could a parking space be used for an enclosure location? Mrs. MacLeod said they meet the parking requirements, and none of the spaces could be used for a trash enclosure location.

After the motion and before voting, Commissioner Machado said what is nice about this project is that it was a planned development from the start and well planned.

ON MOTION OF COMMISSIONER KNIGHT, SECONDED BY COMMISSIONER CHALOUOPKA AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, CHALOUOPKA, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MAC CREADY, IT WAS MOVED TO FORWARD A RECOMMENDATION THAT THE BOARD OF SUPERVISORS ADOPT THE NEGATIVE DECLARATION, AS PREPARED; APPROVE Z05-0005 REZONING ASSESSOR'S PARCEL NUMBER 083-453-04 FROM COMMERCIAL-DESIGN CONTROL (C-DC) AND ESTATE RESIDENTIAL TEN-ACRE (RE-10) TO COMMERCIAL-PLANNED DEVELOPMENT (C-PD) BASED ON THE FINDINGS PROPOSED BY STAFF, AND APPROVE PD05-0011 AND P05-0012 BASED ON THE FINDINGS AND SUBJECT TO THE CONDITIONS PROPOSED BY STAFF.

### **Findings**

#### **Development Plan**

1. The proposed project, as conditioned, will not have a significant effect on the environment and a Negative Declaration has been filed. Further, the project will not affect wetlands, watercourses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable).
2. The proposed use and design conforms to the General Plan in that the parcel is located within a community region, the proposed use and developmental density are consistent with both land use designation and floor area ratio (FAR) policy, as well as the combining zone district, and the natural resources on site will be protected pursuant to related policies in the General Plan.
3. The proposed use and development plan conforms to the Zoning Ordinance as follows:
  - a. *That the PD zone request is consistent with the general plan;*

The project parcel is already zoned Commercial-Design Control (C-DC), so a zone change request to Commercial-Planned Development (C-PD) will not change the base zone district. Further, the rezone request will bring the Estate Residential Ten-acre (RE-10) portion of the parcel into consistency with Table 2-4 of the General Plan.

- b. *That the proposed development is so designed to provide a desirable environment within its own boundaries;*

The development plan is consistent with the previously approved design review, DR05-0001S.

- c. *That any exceptions to the standard requirements of the zone regulations are justified by the design or existing topography;*

No variances to the Zoning Ordinance have been requested.

- d. *That the site is physically suited for the proposed uses;*

The topography of the parcel is flat, having been previously graded. No trees were required to be removed for the existing development approved under DR-05-0001S.

- e. *That adequate services are available for the proposed uses, including, but not limited to, water supply, sewage disposal, roads and utilities;*

The project consists of an existing general/medical office complex, and as such, all improvements and services exist to the site.

- f. *That the proposed uses do not significantly detract from the natural land and scenic values of the site.*

The project parcel is situated within a commercialized area of Cameron Park. The buildings are compatible with the surrounding development and will provide an agreeable appearance to the site.

4. The proposed use and design will not be detrimental to the public health, safety, and welfare, nor injurious to the neighborhood.

**Tentative Map**

1. The proposed tentative map, including design and improvements, is consistent with the General Plan policies and land use map.



2. The proposed tentative map does conform with the applicable standards and requirements of the County's zoning regulations and the Minor Land Division Ordinance.
3. The site is physically suitable for the proposed type and density of development.
4. The proposed tentative map is not likely to cause substantial environmental damage, as it is a commercial parcel map for an existing development.

**Conditions**

1. The subject parcel map and planned development approval is based upon and limited to compliance with the project description, dated July 13, 2006, and Conditions of Approval set forth below. Any deviations from the project description, exhibits or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above-described approval will constitute a violation of permit approval.

The project, as approved, shall consist of the following:

- a. A tentative parcel map creating six commercial lots ranging in size from 0.15 to 3.71 acres on the 4.71-acre site consistent with Exhibit D.
- b. A rezone of the parcel from Commercial-Design Control (C-DC) and Estate Residential Ten-acre (RE-10) to Commercial-Planned Development (C-PD).
- c. A development plan creating five commercial parcels conforming to the individual footprints of each existing building, as follows:

Parcel 1 = 10,528 square feet  
Parcel 2 = 6,000 square feet  
Parcel 3 = 8,400 square feet  
Parcel 4 = 8,400 square feet  
Parcel 5 = 8,400 square feet

Parcel 6 will comprise the remaining 3.71 acres to be considered as common area. Parcel 6 will consist of parking, access, utilities, and landscaping and will be shared and maintained under common ownership.

**Planned Development**

2. All site improvements shall conform to Exhibits E, F, G, H, and I. All building materials, colors, signage, lighting and landscaping will be consistent with that previously approved under DR05-0001S.

3. The Reciprocal Parking Agreement shall be amended to include the names and signatures of each subsequent property owner of the proposed parcels.
4. The requirement for a dedicated loading zone under §17.18.080 is waived. Deliveries to the buildings shall be handled by small delivery trucks or vans, which can utilize existing parking space, as this activity is usually of short duration. Delivery activities that require utilization of a larger vehicle requiring larger parking space shall occur before and/or after business hours.
5. The propane tank and air conditioning units shall be fully screened by fencing and/or landscaping. No roof-mounted equipment shall be allowed.
6. The gates to the trash receptacle enclosure shall remain closed at all times when not in use.
7. The applicant shall construct a six foot wide concrete sidewalk along the frontage of Palmer Drive subject to an encroachment permit. The improvement plans for this work shall be submitted with the application for on-site grading/improvement plans, and construction shall be substantially complete, as determined by the Department of Transportation, prior to occupancy of the project.
8. The applicant shall be responsible for reconstruction of the handicapped ramp, to current ADA standards, at the adjacent curb return at Palmer Drive and Gabbert Drive, subject to an encroachment permit. The improvement plans for this work shall be submitted with the application for on-site grading/improvement plans, and construction shall be substantially complete, as determined by the Department of Transportation, prior to occupancy of the project.
9. The applicable requirements of the Medical Waste Management Act for the handling, storage, treatment and disposal of medical waste generated at the site shall be complied with.
10. The applicable requirements of Chapter 6.5 through 6.95 of the California Health and Safety Code for the handling, storage and disposal of hazardous waste at the site shall be complied with through the submittal and approval of the appropriate medical waste and hazardous materials reporting forms to the Solid Waste/Hazardous Materials Division of the Environmental Management Department.

**Tentative Map**

**Planning Services**

11. Domestic water shall be supplied by a public entity with a minimum six-inch water line to the property being divided, and a water meter award letter or similar assurance from the water purveyor, guaranteeing water service upon demand to each of the parcels created, shall be submitted to the County Surveyor at the time of filing the parcel map.

12. A non-building easement on the 0.49 acre area added under Boundary Line Adjustment BLA05-0003 shall be recorded with the final map. Within the easement itself, only native riparian vegetation shall be planted within the wetland's 50 foot setback area.
13. Permanent fencing around the outer perimeter of the non-building easement shall be installed prior to final map recordation. Fencing material shall be compatible with the approved development, subject to review and approval of Planning Services.

### **County Surveyor**

14. Prior to the filing of a parcel map, if the subject property is subject to liens for assessment or bonds, pursuant to the provisions of Government Code Section 66493, the owner or subdivider shall do one of the following: (a) Pay the assessment or bond in full; (b) File security with the Clerk of the Board of Supervisors; or (c) File with the Clerk of the Board of Supervisors the necessary certificate indicating that provisions have been made for the segregation of bond assessment responsibility, pursuant to Government Code Section 66493(d).
15. All survey monuments must be set prior to filing the Parcel Map.
16. Prior to filing the parcel map, a letter to the County Surveyor will be required from all agencies that have conditions placed on the map. The letter will state that all conditions placed on the map by that agency have been met.

## **ADDENDUM**

### **GENERAL PLAN**

This item was considered after Item 12.a.

- a. **Interpretation of General Plan Policies:** Policies 2.2.3.1, 2.2.3.2, 2.2.5.4, and 2.2.5.13 - Planned Development Open Space Requirements; Policy 2.2.5.16 – Level of Planning; Policy 7.2.2.3 – Mining Buffer; Policies 8.1.2.1 and 8.1.2.2 – Identification and Protection of Range Lands; Policy 8.1.4.1 – Agricultural Commission Review; Policy 8.4.1.1 – Timberland Buffers; and Policy 10.2.15 – Public Facilities and Service Financing Plan.

#### **Policy 7.2.2.3**

Roger Trout presented this item. Paula Frantz, County Counsel, said the way the policy is written, it speaks to being adjacent to an existing mine. It does not address new mining.

Art Marinaccio gave the Commission some background information on mining. State law requires you protect identified deposits. The important thing is that important sites be protected the same as existing sites.

Thalia Georgiadis suggested that existing parcels not be subject to this policy, only new parcels. Typically an individual purchasing a piece of property is notified if there is any mining in the area. If there is a setback applied, it should be shared. Both the mining and adjacent parcels have property rights and should be given dual consideration. She is not advocating a buffer.

Ms. Frantz said the 20 acre minimum parcel next to land that is mapped does apply to parcels smaller than 20 acres. The policy speaks to identified mining sites and not those shown as important findings.

Kathy Russell supports individual basis review. She asked where the County got the 20 acres in Policy 7.2.2.1. That policy should be on the General Plan amendment list. Ms. Frantz said the acreage was in the 1996 Plan.

There was no motion. The Commission agreed there should be review on a case-by-case basis; acknowledgement should be given about mining on adjacent properties; and you cannot request a waiver.

Policy 10.2.15

ON MOTION OF COMMISSIONER TOLHURST, SECONDED BY COMMISSIONER KNIGHT AND CARRIED BY THE FOLLOWING VOTE: AYES – COMMISSIONERS MACHADO, CHALOUKKA, TOLHURST, AND KNIGHT; ABSENT – COMMISSIONER MAC CREADY, IT WAS MOVED TO BE SUPPORTIVE OF THE POLICY; FURTHER, THE BOARD OF SUPERVISORS NEEDS TO DETERMINE HOW THE POLICY WILL BE IMPLEMENTED, COME UP WITH A MODEL; AND STREAMLINE THE PROCESS.

13. **DEPARTMENT OF TRANSPORTATION** - None

14. **COUNTY COUNSEL'S REPORTS** - None

15. **DIRECTOR'S REPORTS** - None

16. **ADJOURNMENT**

The meeting was adjourned at 3:15 p.m.

APPROVED BY THE COMMISSION  
Authenticated and Certified:

---

John Knight, Chair



